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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,486	12/22/2003	Robert A. Vanderhye		4533
<div>7590 09/28/2007</div> <div>Robert A. Vanderhye 801 Ridge Dr. McLean, VA 22101</div> <div>EXAMINER SINGH, SATWANT K</div> <div>ART UNIT 2625</div> <div>PAPER NUMBER</div> <div>MAIL DATE 09/28/2007</div> <div>DELIVERY MODE PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/740,486

Applicant(s)

VANDERHYE, ROBERT A.

Examiner

Satwant K. Singh

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/22/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 18, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishizuka (US 2003/0030650)
3. Regarding Claim 1, Jam et al discloses a method of producing a piece of artwork using a computer-controlled color printer capable of printing at least three colors, comprising: a) inputting or selecting a multicolor image so that it is provided in the computer (scanner sends digital information by reading the original document to the engine I/O 6) (page 2, paragraph [0029]); b) selectively disabling one or more of the colors, while not disabling all of the colors besides black, of the printer to insure little or none of the one or more disabled colors is printed by the printer (Fig. 4D, delete specified color) (page 3, paragraph [0048]; and c) with the printer, printing the non-disabled color or colors of the image onto a substrate (plotter 4) (page 2, paragraph [0030]).

4. Regarding Claim 2, Ishizuka discloses a method to produce a final work of art, either with or without the artist's name, a title, and/or other writing (Fig. 4C, stamp printing) (page 3, paragraph [0049]).
5. Regarding Claim 3, Ishizuka discloses a method, printing onto a substrate of paper or canvas (paper) (page 2, paragraph [0030]).
6. Regarding Claim 4, Ishizuka discloses a method, further acting upon the substrate to add artistic elements to the substrate to produce a final artwork (Fig. 4C, stamp printing) (page 3, paragraph [0049]).
7. Regarding Claim 18, Ishizuka discloses a color printer controllable by a computer and capable of printing at least three colors on a substrate (Fig. 1, plotter 5) (page 2, paragraph [0031]; and mechanical devices interconnected to computer controls and/or software which act on the printer or computer controlling the printer to selectively and temporarily disable the printing of one or more colors with the printer (Fig. 1, image processor 7) (page 2, paragraph [0031]).
8. Regarding Claim 19, Ishizuka discloses a color printer wherein the printer comprises a thermal ink-jet printer, and wherein the mechanical devices and/or software include software in the computer (Fig. 1, image processing device) (page 2, paragraph [0027]).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 5-10, 12-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizuka in view of Jam et al. (US 7,103,230).

11. Regarding Claim 5, Ishizuka fails to teach a method, practiced by applying colored paints to spaced portions of the substrate.

Jam et al teaches a method, practiced by applying colored paints to spaced portions of the substrate (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

12. Regarding Claim 6, Ishizuka fails to teach a method, practiced by applying texture to spaced portions of the substrate using a palette knife, eye-dropper, or the like; and further comprising adding illustrated objects, foreign materials, or effects, to spaced portions of the substrate.

Jam et al teaches a method, practiced by applying texture to spaced portions of the substrate using a palette knife, eye-dropper, or the like; and further comprising adding illustrated objects, foreign materials, or effects, to spaced portions of the substrate (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

Art Unit: 2625

13. Regarding Claim 7, Ishizuka fails to teach a method, practiced to fully disable one or more colors.

Jam et al teaches a method, practiced to fully disable one or more colors (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

14. Regarding Claim 8, Ishizuka fails to teach a method, practiced to only partially disable one or more colors.

Jam et al teaches a method, practiced to only partially disable one or more colors (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

15. Regarding Claim 9, Ishizuka fails to teach a method, practiced to disable black and near black.

Jam et al teaches a method, practiced to disable black and near black (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

Art Unit: 2625

16. Regarding Claim 10, Ishizuka teaches a method, using a thermal ink-jet printer (Fig. 1, plotter 5) (page 2, paragraph [0031].

17. Regarding Claim 12, Ishizuka fails to teach a method, wherein the multicolor image is a digital photograph.

Jam et al teaches a method, wherein the multicolor image is a digital photograph (editable images may include photos) (col. 3, lines 40-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the digital photograph using different coloring techniques.

18. Regarding Claim 13, Ishizuka fails to teach a method wherein the digital photograph is taken by an artist and input into the computer by the artist; and used to produce a pseudo-abstract final art work.

Jam et al teaches a method, wherein the digital photograph is taken by an artist and input into the computer by the artist (Fig. 1, load image) (editable images may include photos) (col. 3, lines 40-47); and used to produce a pseudo-abstract final art work (editing images) (col. 3, lines 40-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the digital photograph using different coloring techniques.

19. Regarding Claim 14, Ishizuka fails to teach a method, practiced to disable black and near black.

Jam et al teaches a method, practiced to disable black and near black (image editing technologies) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

20. Regarding Claim 15, Ishizuka teaches a piece of paper or canvas comprising a pseudo-abstract art work (Fig. 1, plotter 5) (page 2, paragraph [0031].

21. Regarding Claim 16, Ishizuka fails to teach a method, used in curriculum to teach art to children.

Jam et al teaches a method, used in curriculum to teach art to children (commonly available programs) (col. 3, lines 40-60).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to use commonly available programs to allow a user to edit the input image using different coloring techniques.

22. Regarding Claim 17, Ishizuka teaches a method using software in a computer controlling a printer (Fig. 1, image processing device) (page 2, paragraph [0027]).

23. Regarding Claim 20, Ishizuka teaches a method of producing a work of art using a thermal ink-jet printer having an active black ink cartridge and at least one active primary color ink cartridge, and controlled by a computer, comprising: inputting or selecting a multicolor image so that it is provided in the computer (scanner sends digital information by reading the original document to the engine I/O 6) (page 2, paragraph

[0029]); c) with the printer, printing a substantially accurate representation of the image onto a substrate of paper or canvas (plotter 4) (page 2, paragraph [0030]).

Ishizuka fails to teach a method, removing the active black ink cartridge from the printer, or controlling the printer with software, to disable from about 80-100% the capability of the printer to print black or near black while not significantly disturbing operation of the active primary colors cartridge and further acting upon the substrate from to add artistic elements to the substrate to produce a final artwork.

Jam et al teaches a method removing the active black ink cartridge from the printer, or controlling the printer with software, to disable from about 80-100% the capability of the printer to print black or near black while not significantly disturbing operation of the active primary colors cartridge (image editing techniques) (col. 3, lines 40-67, col. 4, lines 1-47) and further acting upon the substrate from to add artistic elements to the substrate to produce a final artwork (image editing techniques) (col. 3, lines 40-67, col. 4, lines 1-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the input image using different coloring techniques.

24. Regarding Claim 21, Ishizuka teaches a method, wherein the substrate is at least thirty pound matte paper (paper) (page 2, paragraph [0030]).

Ishizuka fails to teach a method practiced by adding acrylic paint to spaced portions of the substrate to provide colors and textures not present in the original image, and, and wherein a digital color photograph as the image.

Art Unit: 2625

Jam et al teaches a method practiced by adding acrylic paint to spaced portions of the substrate to provide colors and textures not present in the original image artwork (image editing techniques) (col. 3, lines 40-67, col. 4, lines 1-47), and, and wherein a digital color photograph as the image (editable images may include photos) (col. 3, lines 40-47).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka with the teaching of Jam to allow a user to edit the digital photograph using different coloring techniques.

25. Claim 11 rejected under 35 U.S.C. 103(a) as being unpatentable over Ishizuka and Jam et al. as applied to claim 10 above, and further in view of Kohno (US 6,749,282).

26. Regarding Claim 11, Ishizuka and Jam et al. fail to teach a method, using an ink-jet printer having a black ink cartridge as well as at least one primary color ink cartridge; and removing the active black ink cartridge from the printer to thereby disable printing with black ink.

Kohno teaches a method, using an ink-jet printer having a black ink cartridge as well as at least one primary color ink cartridge (head cartridge 200); removing the active black ink cartridge from the printer to thereby disable printing with black ink (removing ink tanks) (col. 5, lines 43-59).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Ishizuka and Jam with the teaching of Kohno to allow for the removal of the black ink tank to prevent monochrome printing.

Conclusion

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto (US 5,136,401) discloses an image layout apparatus for performing pattern modification such a coloring of an original image.

Mancuso (US 6,176,521) discloses a variable color print with locally colored regions.

Yokomizio et al. (US 6,522,418) discloses a method and system for editing images.

Jia et al. (US 6,947,593) discloses a method of processing a color digital image file.

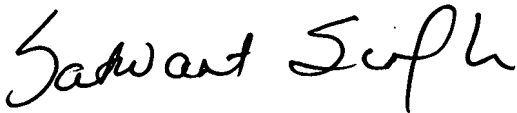
Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



sks

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